

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

PROPHET LERAJJAREAN RA-O-KEL-LY,

Plaintiff,

vs.

ED LESTER, et al.,

Defendants.

CV 16-53-BU-BMM-JCL

FINDINGS AND  
RECOMMENDATION

Plaintiff Prophet Lerajjarean Ra-O-Kel-Ly, appearing pro se, submitted a pleading for filing in this case. By Order entered December 7, 2016, the Court identified defects with both his pleading and his request for leave to proceed without paying the filing fee under 28 U.S.C. § 1915(a). Specifically, Plaintiff did not submit a copy of his account statement from the Butte-Silver Bow Detention Center as required, he did not provide the Court with an update for his change of address, and the Court noted his request for injunctive relief appeared to be moot. Therefore, the Court ordered Plaintiff to provide his account statement, and a notice of his new address. The Court cautioned Plaintiff that if he did not comply with the Order, then his case would be subject to dismissal.

At the time Plaintiff submitted his pleading in this action, he identified his mailing address as: Butte-Silver Bow Detention Center, 155 W. Quartz, Butte, MT 59701.

The Court's Order entered December 7, 2016, was mailed through the United States Postal Service addressed to Plaintiff at the address he provided as set forth above. The Order, however, was returned to the Court on December 13, 2016, by the United States Postal Service with the notation:

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

(Doc. 4.)

Since the Court's mailing described above has been returned to the Court, and because Plaintiff has not informed the Court of his change of address, this action is now subject to dismissal. The Local Rules for the District of Montana provide as follows:

(b) Dismissal Due to Failure to Notify. The Court may dismiss a complaint without prejudice or strike an answer when:

(1) a document directed to the attorney or self-represented party by the court has been returned to the court as not deliverable; and

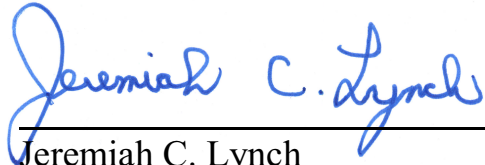
(2) the court fails to receive within 60 days of this return a written communication from the attorney or self-represented party indicating a current address for service.

L.R. 5.2(b).

The Court's Order mailed to Plaintiff was returned to the Court on December 13, 2017. Within the 60-day period following that date, and as of the date of this recommendation, Plaintiff has not provided the Court with a written notice informing it of his change of address.

Therefore, IT IS HEREBY RECOMMENDED that this action be DISMISSED without prejudice pursuant to L.R. 5.2(b).

DATED this 17<sup>th</sup> day of February, 2017.

  
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Jeremiah C. Lynch  
United States Magistrate Judge